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Remarks

Careful consideration has been given the Official Action dated June 18, 2003 in preparing this response. Reconsideration of Claims 12-15, 17-24 along with the copied claims is respectfully requested. Applicant has copied Claims 1-3, 8, 27, 29-31 from a CIP based on the parent application for purposes of having an interference declared.

Claims 12, 13, 15, 16 have been rejected under 35 USC §102(b) as anticipated by Fricker. It is the Examiner's position that

In regard to claim 12: Fricker discloses claimed invention of a complete structural member with an embedded anchor. The anchor includes a plate (10) and elongated body portion (24/21). The elongated body portion has a length equal to the thickness (H) of the structural member minus the thickness of the weldment plate, see fig. 3, a surface engaging portion (24a) is provided. Means for attaching the elongated body to the weldment plate (10) is provided at (11a, fig. 2).

In regard to claim 13: Fricker discloses the claimed invention the elongated body portion is adjustable via the threaded correction (sic, connection) (21) and (24) which effectively removes excess length.

In regard to claim 15: Fricker discloses the claimed invention device is made from metal.

In regard to claim 16: Fricker discloses the claimed invention a plate member (10c, fig. 1) and a projection (11) extending from the plate member. Threaded connection provides the means for securing the elongate body portion to the plate.

As it may be applied to the amended claims, this rejection is respectfully traversed.

Claim 12 has been amended by providing that the weldment plate has studs protruding from the nether side thereof. Fricker's "plate" 10 is not a weldment plate, nor does it have studs protruding from its lower surface. It is respectfully submitted that Claim 12, as amended, distinguishes Fricker and the other references of record and is, therefore, in condition for allowance. This amendment has been made in order to facilitate the declaration of the interference. In that vein, Claims 1-3, 8, 27, 29-33 as published in published

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application 2003/0037505 A1 published Feb. 27, 2003, have been copied as Claims 25-34. If these claims have been determined to be allowable in the interfering application, it is respectfully requested that at least one count be established and these applications be placed in interference in order to allow Applicant the opportunity to establish that he is the inventor of this claimed subject matter.

Respectfully submitted,

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Certificate of Mailing under 37 CFR §1.8

I hereby certify that this amendment to the above identified application entitled **“Weldment Plate Spacer/Support”** is being deposited with the United States Postal Service addressed to Commissioner for Patents, Mailstop Non-Fee Amendment, PO Box 1450, Alexandria, VA 22313-1450 with adequate first class postage on the date shown.

Signed _____ Date _____